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Docket No. SH-0069PCTUS
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REMARKS

Entry of this Amendment is proper because it narrows the issues on appeal and does not require further search and/or consideration by the Examiner.

As an initial matter, Applicant notes that the Examiner has failed to address claim 12. Applicant assumes that claim 12 is allowable.

Claims 1-17 are pending in this Application. Applicant has amended claims 1 and 2 to define the claimed invention more particularly. Applicant has cancelled claim 18 without prejudice or disclaimer. No new matter is added.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1, 2, 4, 5, 7, 9, and 13-18 stand rejected under 35 U.S.C. §102(b) as being anticipated by Nakamura et al. (US 2003/0015004, and hereinafter "Nakamura"). Claims 3, 9, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nakamura in view of Kuwabara et al. (JP 2000-109327, hereinafter "Kuwabara"). Claims 6, 10, 11, and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nakamura in view of Kuwabara, and further in view of Ishihara et al. (US 2004/0134236, hereinafter "Ishihara").

Applicant respectfully traverses these rejections in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention (e.g., as defined by exemplary claim 1) is directed to a manufacturing apparatus of a porous glass base material for depositing glass particles produced by subjecting a material gas to flame hydrolysis, onto a starting member placed vertically, wherein a plurality of gas inlets is provided in one or more lateral walls of a process chamber including a burner for the deposition.

Two or more of the plurality of gas inlets are provided both in upper portions of the one or more lateral walls and along a ceiling of the process chamber

Accordingly, in the claimed invention, a plurality of gas inlets is provided in upper

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portions of lateral walls and along a ceiling of a process chamber including a burner for the deposition therein, as shown by 5a in Fig. 4B of the present Application. This configuration can achieve a flow of fresh intake gas across the entire ceiling, without causing the swirling gas flow shown in Fig. 3 of the present Application. As a consequence, floating glass particles could be prevented from reaching the ceiling. Furthermore, the configuration could stabilize the gas flow in the process chamber, and significantly reduce the amount of soot formed on the lateral walls of the process chamber.

II. THE PRIOR ART REJECTIONS

The Examiner alleges that Nakamura anticipates claims 1, 2, 4, 5, 7-9, and 13-17.

Applicant respectfully submits, however, that the alleged reference does not teach or suggest each and every feature of the claimed invention.

That is, Nakamura does not teach or suggest, *"two or more of the plurality of gas inlets are provided both in upper portions of the one or more lateral walls and along a ceiling of the process chamber,"* (emphasis added by Applicant) as recited in claim 1.

The Examiner does not even allege that Nakamura teaches or suggests these features of the claimed invention.

The Examiner alleges that the gas inlets 9 and 13 of Nakamura can be analogized to the plurality of gas inlets in claim 1.

Nakamura, however, fails to teach or suggest two or more of the plurality of gas inlets are provided both in upper portions of the one or more lateral walls and along a ceiling of the process chamber, as recited in claim 1. Thus, Nakamura fails to satisfy the plain meaning of the final claim limitation.

Therefore, Applicant respectfully submits that Nakamura fails to teach or suggest each element of Applicant's claimed invention. Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

Furthermore, in rejecting claims 3, 9, and 14, the Examiner alleges that one of ordinary skill in the art would have combined Nakamura with Kuwabara to render obvious the claimed invention.

Applicant respectfully submits, however, that the references would not have been combined as alleged by the Examiner and that, even if combined, the alleged combination of

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references would not teach or suggest each and every feature of the claimed invention.

As an initial matter, Applicant notes that the Examiner's rejection of claims 9 and 14 based on an alleged combination of Nakamura and Kuwabara is incorrect and unclear.

That is, in sections 2, 4, and 6 of the Office Action, the Examiner alleges that Nakamura teaches claims 9 and 14. Therefore, based on the Examiner's own allegations, it is unclear why the Examiner attempts to combine Nakamura with Kuwabara to reject claims 9 and 14 in section 9 of the Office Action, if Nakamura allegedly teaches the claimed features by itself. Applicant requests the Examiner to clarify the rejection.

Furthermore, Applicant respectfully traverses this rejection, at least because Kuwabara is not cited as remedying the aforementioned deficiencies of Nakamura.

Indeed, Kuwabara is merely cited for allegedly disclosing slit-like gas inlets. Thus, claims 3, 9, and 14 are allowable for at least the same reasons that the underlying base claim is allowable.

Moreover, Applicant respectfully submits that these references are unrelated and would not have been combined as alleged by the Examiner. Thus, no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

Further, Applicant submits that there is no motivation or suggestion in the references (and thus no predictability for one of ordinary skill in the art) to urge the combination as alleged by the Examiner. Indeed, these references clearly do not teach or suggest their combination. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have combined the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

Furthermore, in rejecting claims 6, 10, 11, and 17, the Examiner alleges that one of ordinary skill in the art would have combined Nakamura and Kuwabara with Ishihara to render obvious the claimed invention.

Applicant respectfully submits, however, that the references would not have been combined as alleged by the Examiner and that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

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Applicant respectfully traverses this rejection, at least because Ishihara is not cited as remedying the aforementioned deficiencies of Nakamura and Kuwabara.

Indeed, Ishihara is merely cited for allegedly disclosing an exhaust outlet in a lateral wall. Thus, claims 6, 10, 11, and 17 are allowable for at least the same reasons that the underlying base claim is allowable.

Moreover, Applicant respectfully submits that these references are unrelated and would not have been combined as alleged by the Examiner. Thus, no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

Further, Applicant submits that there is no motivation or suggestion in the references (and thus no predictability for one of ordinary skill in the art) to urge the combination as alleged by the Examiner. Indeed, these references clearly do not teach or suggest their combination. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have combined the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-17, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 04/23/10

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I hereby certify that I am filing this paper via facsimile, to Group Art Unit 1791, at (571) 273-8300, on April 23, 2010.

Respectfully Submitted,

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